

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/660,888 09/13/00 YAMAGUCHI

T AD-104 US

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MM91/1022

EXAMINER

ET GUERRERO, E

ART UNIT

PAPER NUMBER

2833

DATE MAILED:

10/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/660,888	YAMAGUCHI ET AL.
	Examiner	Art Unit
	Felix O. Figueroa	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 August 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 and 13-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11 and 13-21 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

^{11, 13, 14}
Claims 1-14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over by Wu et al. (US 6,086,421) in view of Futatsugi et al. (US 6,077,120) and Wang (US 6,095,869).

Wu discloses a connector housing (1) having a plurality of conductive terminals (2) having contact and tail portions, a body portion, a top wall portion (11) and a bottom wall portion (17) defining a space (10), the body portion, the top and bottom walls defining a U-shaped cross section, a metal shell member (3) having a front face panel (32) having an opening and a frame portion around the opening defining the front end of the connector, a top panel portion (34), a bottom panel portion (31) and two side panels (33) forming a receptacle cooperatively with the top and bottom wall portions on the housing. Wu does not disclose a retainer in the form of a metal shield. However, Futatsugi teaches a retainer in the form of a metal shield disposed partially over and retaining the retainer shield (see Fig.8), having a retention member (77) bent upon itself and extending downwardly into a top opening and having a free end to shield the housing and retain an opposite connector within the connector housing. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention

was made to use a retainer in the form of a metal shield having a retention member, as taught by Futatsugi, to shield the housing and retain an opposite connector within the connector housing. Wu also teaches the use of retention members (322) having free ends and extending sideways. It would have been obvious modification to one having ordinary skill in the art at the time the invention was made to use the retention member on different sides of the shell or the shield, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

However, Wu does not show the connector housing not having any sidewall members. Wang discloses a connector housing (20) not having any sidewall members to reduce the manufacture cost. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form a connector housing without side walls, as taught by Wang, to reduce the manufacture cost.

Regarding claims 4, 5 and 7, Wu shows bottom panel portion, top panel portion, and the side panels integrally formed with the front panel and being folded along side edges of the connector housing top wall portion.

Regarding claim 8, Wu discloses cooperating engagement means on the top panel and the side panel portions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the engagement means on the bottom panel, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claim 9, Wu discloses the claimed invention except for the location of the slot and the engagement tabs. It would have been obvious to one having ordinary

skill in the art at the time the invention was made to reverse the location of the engagement means, since it have been held that a mere reversal of the essential parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Regarding claim 10, Futatsugi discloses the shield and shell member made from single metal plates, in column 2 line 25.

Regarding claim 11, Wu includes a slot on the side portion separating the retention members.

Regarding claim 14, Futatsugi shows a portion of the shell (40) overlying a portion of the shield (70).

Claims 17, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Futatsugi et al. in view of Matsunuma et al. (US 5,993,258) and Wang.

Futatsugi discloses a connector (10) comprising an insulative housing (20) having an interior receptacle supporting a plurality of conductive terminals (30), a retainer shield bent to overlie at least three sides of the housing and a retention member (77), and a retainer (40) in the form of a metal shield disposed partially over and retaining the retainer shield (see Fig.8). However Futatsugi does not disclose a plurality of retention members. Matsunuma teaches a plurality of retention members oriented in distinct vertical and horizontal planes to engage and retain a mating plug in orthogonal directions. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include more retention members, as taught by Matsunuma, to engage and retain a mating plug in orthogonal directions. However, Futatsugi does not show the connector housing not having any sidewall members.

Wang discloses a connector housing (20) not having any sidewall members to reduce the manufacture cost. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form a connector housing without side walls, as taught by Wang, to reduce the manufacture cost.

Regarding claims 20, Futatsugi shows an outer shell (40) partially retaining and overlying a portion of the shield (70).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Futatsugi et al. and Matsunuma et al. ^{as applied to claim 17 above, and further in view of} Wang et al.

Futatsugi discloses an outer shell (40) having a front panel portion with an opening formed therein. However, Futatsugi discloses a shell overlying three surfaces of the connector housing. Wu teaches an outer shell (3) overlying at least four different surfaces of the connector housing to provide an extensive protection. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use an outer shell (3) overlying more area as taught by Wu to provide an extensive protection.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double

patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of copending Application No. 09/660,907 in view of Futatsugi. It would have been an obvious modification to add the metal shield to provide more protection as taught by Futatsugi.

This is a provisional obviousness-type double patenting rejection.

Response to Arguments

Applicant's arguments filed 08/27/01 have been fully considered but they are not persuasive.

Regarding claims 1 and 17, please note that the retainer (40) retains wall sections (82) from being pulled away of their original position.

Regarding applicant's arguments on claim 21, please note that the combination of Futatsugi and Wu discloses three independent retention members. Further, it noted that the use of a plurality of retention members is well known in the art (see Matsunuma for example), and the rearrangement of the retention tabs to be located on the retainer would have been obvious to one of ordinary skill in the art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.


Gary Paumen
Primary Examiner

ffr
October 17, 2001